REMARKS

The Office Action mailed on April 17, 2008 has been reviewed. Claims 1-8 and 13 are pending in this application. Support for new claim 13 can be found at least p. 8 lines 15-26 and p. 10 line 24 - p. 11 line 3. No new matter has been added.

Examiner Interview Summary

Applicant's representative, Jay Wahlquist (registration no. 55,705) thanks Examiner Biu for the opportunity to discuss aspects of this case in a telephone interview on July 16, 2008. During the interview, Applicant's representative discussed the meaning of the term "data transition points" and asserted that the Levy reference does not teach or suggest "using said data transition points to produce a series of aperiodic latency estimation inflection points." Applicant's representative believes that the foregoing summary accurately reflects the substance and scope of the telephone interview on July 16, 2008. The Applicant requests notification if the Examiner disagrees with the accuracy or completeness of the summary.

Rejections under 35 U.S.C. §103

Claims 5-8 were rejected under 35 U.S.C. §103(a) over Levy (U.S. Patent Publication No. 2003/0233445). The Applicant respectfully traverses this rejection.

<u>Claim 5 recites:</u>

A method for estimating the latency of aperiodic tasks in a system with simultaneous scheduling of aperiodic messages and periodic transmissions on a common bus, wherein data points of aperiodic message transmissions for the hyperperiod of interest in said system are collected the method comprising:

using predefined periodic transmission times to calculate data transition points between periodic and aperiodic message transmissions intervals for a hyperperiod of interest in said system;

using said data transition points to produce a series of aperiodic latency estimation inflection points;

estimating the aperiodic latency probability at an inflection point in the hyperperiod of interest as being equal to the number of sample data points less than or equal to the said inflection point divided by the total number of collected aperiodic latency sample data points, said data points forming a data point plot that is assumed to be linear between said aperiodic latency inflection points.

The Applicant asserts that nothing in Levy teaches or suggests all the claimed limitations of claim 5. For example, nothing in Levy teaches or suggests "using said *data transition points* to produce a series of aperiodic latency estimation inflection points." As stated in claim 5, data transition points are "points between periodic and aperiodic message transmission intervals." Nothing in Levy discusses periodic and/or aperiodic message transmission intervals or points between such intervals. Hence, nothing in Levy teaches or suggests using "points between periodic and aperiodic message transmission intervals" to "produce a series of aperiodic latency estimation inflection points."

In rejecting claim 5, the Examiner relied on Fig. 14 and paragraphs [0085]-[0088] of Levy. However, the cited paragraphs merely discuss using measurements "between a first time when a client sends a request for data to a server and a second time at which said client receives a last datum of the requested data" to estimate network latency. Similarly, Fig. 14 is merely a "a graph of *accuracies for measurements* of the main page latency, and web page latency." Therefore, one of ordinary skill in the art would not be motivated based on Levy to use "*data transition points* to produce a series of aperiodic latency estimation inflection points." Hence, the Applicant respectfully requests that the rejection be withdrawn.

Claims 6-8 depend from claim 5 and, thus, are allowable for at least the reasons stated above with respect to claim 5. The Applicant, therefore, requests that the rejections be withdrawn. Since the Applicant believes these dependent claims are

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allowable for at least the above reasons, further response to all rejections have not been put forth in this response. The Applicant, however, reserves the right to address said rejections if a further response is filed.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 1-4 are allowable over the cited prior art.

CONCLUSION

Applicant respectfully submits that claims **1-8 and 13** are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully Submitted,

Date: July 16, 2008   /Scott V. Lundberg/
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